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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(OAKLAND DIVISION)

KIRK KEILHOLTZ and KOLLEEN
KEILHOTZ for themselves and on behalf
of those similarly situated,

Plaintiffs,

v.

LENNOX INDUSTRIES, INC.; LENNOX
HEARTH PRODUCTS, INC.; LENNOX
INTERNATIONAL, INC., and DOES 1
through 25, inclusive,

Defendants.

NO. 4:08-CV-00836CW

**REVISED [~~PROPOSED~~] ORDER
GRANTING JOINT ADMINISTRATIVE
MOTION TO SEAL DECLARATION OF
ABID KEMAL**

**Date: January 13, 2011
Time: 2:00 p.m.
Place: Courtroom 2, 4th Floor
[Hon. Claudia Wilken]**

**Demand for Jury Trial
Original Complaint Filed: February 6, 2008**


1 The Court has considered the Joint Administrative Motion to Seal the Declaration of Abid
2 Kemal and the Declaration of Michael S. Pennington in support of sealing Dr. Kemal's
3 declaration. For reasons set forth below, the Court finds compelling reasons to seal Dr. Kemal's
4 declaration and therefore GRANTS the joint administrative motion to permanently seal Dr.
5 Kemal's declaration.
6

7 Mr. Pennington's declaration sets forth to the Court's satisfaction that LHP would suffer
8 serious competitive disadvantage if the contents of Dr. Kemal's declaration were publicly filed.
9 The Kemal declaration contains design specifications which, if copied by LHP's competitors,
10 would give them a free and unfair head start on LHP. Further, the material set forth in Dr.
11 Kemal's declaration, including the exhibits thereto, qualifies as a trade secret under California
12 Civil Code section 3426.1 because it derives independent economic value from not being
13 generally known to the public or other persons who can obtain economic value from its use, and
14 it is the subject of efforts reasonable under the circumstances (including but not limited to the
15 accompanying motion) to maintain its secrecy. The Court also notes that while the parties'
16 concurrence alone would not furnish a compelling reason to seal, both the plaintiffs and the
17 defendants support this motion.
18

19 Therefore, for reasons set forth above, the Court GRANTS the motion to permanently
20 seal the Declaration of Abid Kemal pursuant to Local Rule 79-5. The Joint Administrative
21 Motion to Seal the Declaration of Abid Kemal, and Declaration of Michael S. Pennington in
22 support of sealing Dr. Kemal's Declaration, also filed under seal, are ordered permanently
23 unsealed.
24

25 SO ORDERED:

26
27 Dated: January 7, 2011

28 
HONORABLE CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF CALIFORNIA